

REMARKS

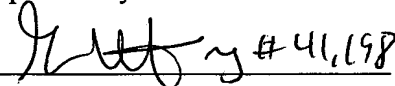
Claims 1-31, 51, 56, 64, 66, 67 and 69-96 are canceled. Claims 32, 52-55, 97 and 98 are amended. Claims 32-50, 52-55, 57-63, 65, 68, 97 and 98 are pending in the present application.

Prior to this Amendment, the Examiner has rejected this application, citing a prior art reference, U.S. Patent No. 6,33,8996 ("Iizuka"). Applicants traverse all prior rejections. Applicants respectfully submit that Iizuka does not anticipate the claimed invention which recites that the top electrode layer is formed of particular conductive, oxygen permeable materials such that when the oxygen anneal is performed *after* the top electrode is formed, the top electrode still maintains conductivity. In fact, Iizuka specifically teaches away from such an anneal and does not teach or suggest use of conductive, oxygen permeable materials. Applicants have amended the claims to reflect these patentable features and clarify the scope of the invention.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

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